

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

15-CR-143

DION CHEATHAM,

**DECISION AND ORDER**

Defendant.

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1. On August 30, 2018, the defendant, Dion Cheatham, pleaded guilty to Count 3 of the second superseding indictment charging a violation of Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute 100 grams or more of heroin and conspiracy to distribute 100 grams or more of heroin). Docket Item 217.

2. On August 30, 2018, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 622.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (docket item 622), the plea agreement (docket item 621), the second superseding indictment (docket item 217), a transcript of the digital FTR recording of the plea proceeding (docket item 624), and the applicable law. This Court

finds no legal or factual error in Judge Schroeder's Report & Recommendation and therefore adopts Judge Schroeder's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 3 of the second superseding indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's August 30, 2018 Report & Recommendation, Docket Item 622, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Dion Cheatham, is now adjudged guilty under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: September 21, 2018  
Buffalo, New York

**s/Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE